

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MICHAEL BSAIBES,

Plaintiff,

vs.

ALLSTATE VEHICLE AND
PROPERTY
INSURANCE COMPANY,

Defendant.

CIVIL ACTION NO. 4:24-CV-04453

DEFENDANTS' ANSWER AND JURY DEMAND

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW ALLSTATE VEHICLE AND PROPERTY INSURANCE COMPANY,

Defendants in the above styled and numbered cause of action, and in response to the complaints filed against them, would respectfully show unto this Honorable Court and Jury as follows:

**I. ALLSTATE'S RESPONSES TO PLAINTIFF'S FIRST AMENDED
COMPLAINT BY PARAGRAPH**

1. Admit
2. Admit.
3. Admitted as to jurisdiction and venue. Denied as to the allegation that Plaintiff is owed indemnity under the policy of insurance or damages as a result of any purported cause of action under Federal or State Law.
4. Admitted as to jurisdiction and venue. Denied as to the allegation that Plaintiff is owed indemnity under the policy of insurance, or damages as a result of any purported cause of action under Federal or State Law.
5. Admit.

6. Defendant neither admits nor denies the allegations in this paragraph due to lack of knowledge or information, but demands strict proof thereof.
7. Denied as phrased. All remaining allegations and inferences therefrom are denied and strict proof thereof is demanded.
8. Denied as phrased. All remaining allegations and inferences therefrom are denied and strict proof thereof is demanded.
9. Denied as phrased. All remaining allegations and inferences therefrom are denied and strict proof thereof is demanded.
10. Denied as phrased. All remaining allegations and inferences therefrom are denied and strict proof thereof is demanded.
11. Denied as phrased. All remaining allegations and inferences therefrom are denied and strict proof thereof is demanded.
12. Denied as phrased. All remaining allegations and inferences therefrom are denied and strict proof thereof is demanded.
13. Denied as phrased. All remaining allegations and inferences therefrom are denied and strict proof thereof is demanded.
14. Denied as phrased. All remaining allegations and inferences therefrom are denied and strict proof thereof is demanded.
15. Denied as phrased. All remaining allegations and inferences therefrom are denied and strict proof thereof is demanded.
16. Denied as phrased. All remaining allegations and inferences therefrom are denied and strict proof thereof is demanded.

17. Denied as phrased. All remaining allegations and inferences therefrom are denied and strict proof thereof is demanded.
18. Denied as phrased. All remaining allegations and inferences therefrom are denied and strict proof thereof is demanded.
19. Denied as phrased. All remaining allegations and inferences therefrom are denied and strict proof thereof is demanded.
20. Denied as phrased. All remaining allegations and inferences therefrom are denied and strict proof thereof is demanded.
21. Denied as phrased. All remaining allegations and inferences therefrom are denied and strict proof thereof is demanded.
22. Denied as phrased. All remaining allegations and inferences therefrom are denied and strict proof thereof is demanded.
23. Denied as phrased. All remaining allegations and inferences therefrom are denied and strict proof thereof is demanded.
24. Admit.
25. Denied as phrased. All remaining allegations and inferences therefrom are denied and strict proof thereof is demanded.
26. Denied as phrased. All remaining allegations and inferences therefrom are denied and strict proof thereof is demanded.
27. Denied as phrased. All remaining allegations and inferences therefrom are denied and strict proof thereof is demanded.
28. Denied as phrased. All remaining allegations and inferences therefrom are denied and strict

proof thereof is demanded.

29. Denied as phrased. All remaining allegations and inferences therefrom are denied and strict proof thereof is demanded.

30. Denied as phrased. All remaining allegations and inferences therefrom are denied and strict proof thereof is demanded.

31. Denied as phrased. All remaining allegations and inferences therefrom are denied and strict proof thereof is demanded.

32. Denied as phrased. All remaining allegations and inferences therefrom are denied and strict proof thereof is demanded.

33. Denied as phrased. All remaining allegations and inferences therefrom are denied and strict proof thereof is demanded.

34. Denied as phrased. All remaining allegations and inferences therefrom are denied and strict proof thereof is demanded.

35. Denied as phrased. All remaining allegations and inferences therefrom are denied and strict proof thereof is demanded.

36. Denied as phrased. All remaining allegations and inferences therefrom are denied and strict proof thereof is demanded.

37. Denied as phrased. All remaining allegations and inferences therefrom are denied and strict proof thereof is demanded.

38. Denied as phrased. All remaining allegations and inferences therefrom are denied and strict proof thereof is demanded.

39. Denied as phrased. All remaining allegations and inferences therefrom are denied and strict proof thereof is demanded.

40. Denied as phrased. All remaining allegations and inferences therefrom are denied and strict proof thereof is demanded.

41. Denied as phrased. All remaining allegations and inferences therefrom are denied and strict proof thereof is demanded.

42. Denied as phrased. All remaining allegations and inferences therefrom are denied and strict proof thereof is demanded.

43. Denied as phrased. All remaining allegations and inferences therefrom are denied and strict proof thereof is demanded.

44. Denied as phrased. All remaining allegations and inferences therefrom are denied and strict proof thereof is demanded.

45. Denied as phrased. All remaining allegations and inferences therefrom are denied and strict proof thereof is demanded.

46. Denied as phrased. All remaining allegations and inferences therefrom are denied and strict proof thereof is demanded.

47. Denied as phrased. All remaining allegations and inferences therefrom are denied and strict proof thereof is demanded.

II. DENIAL AND DEFENSES

At this time, Defendants respectfully requests the Court and jury to require Plaintiff to prove the claims, charges and allegations, by a preponderance of the evidence, as required by the Constitution and the laws of the State of Texas.

Plaintiffs' claims are barred, in whole or in part, by policy exclusions and/or limitations which are listed in the policy made the basis of this suit. Plaintiff's claims are barred, in whole or in part,

because conditions precedent to Plaintiff's recovery have not occurred. Specifically, Plaintiff failed to provide proper written notice prior to suit as required by Section 542A.003 of the Texas Insurance Code and by 17.50(a) of the Texas Business and Commerce Code (Texas DTPA).

Plaintiff's claims are barred, in whole or in part, because some or all of Plaintiff's claims are excluded by the applicable insurance policy. Plaintiff failed to allege conduct warranting imposition of exemplary or punitive damages under applicable state law. Defendants hereby gives notice that it intends to rely upon such other defenses as may become available or apparent during the course of discovery and thus reserves its right to amend this answer. Defendants asserts the limitations and restrictions contained in Chapter 41 of the Texas Civil Practice and Remedies Code.

Pursuant to Federal Rules of Civil Procedure, Defendant requests that Plaintiff disclose within thirty days of service of this request, the information and material described in the Federal Rules of Civil Procedure. Defendant further requests disclosure of any and all documents, electronic information, and tangible items that you have in your possession, custody or control and which may be used to support your claims or defenses.

III. JURY DEMAND

Defendants, ALLSTATE VEHICLE AND PROPERTY INSURANCE COMPANY, formally request a jury trial pursuant to the Federal Rules of Civil Procedure and tenders the jury fee.

IV. DESIGNATED E-SERVICE EMAIL ADDRESS

The following is the undersigned attorney's designation of electronic service email address for all electronically served documents and notices, filed and unfiled, pursuant to the Federal Rules of Civil Procedure. (HoustonLegal@allstate.com). This is the undersigned's ONLY electronic service email address, and service through any other email address will be considered invalid.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendants, ALLSTATE VEHICLE AND PROPERTY INSURANCE COMPANY, prays that the Plaintiff recover nothing of and from the Defendants by reason of this suit, that Defendants be discharged without delay, with costs of court, and for such other and further relief, both general and special, at law and in equity, to which Defendants may show itself justly entitled, and for which Defendants will in duty bound, forever pray.

Respectfully submitted,

LAW OFFICES OF MAYELLA GONZALEZ

/s/ Brenda Owoeye

BRENDA OWOEYE

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ATTORNEY FOR DEFENDANT
ALLSTATE VEHICLE AND PROPERTY
INSURANCE COMPANY

CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure, I hereby certify that the original of Defendants' Original Answer has been filed with the clerk of the court in writing, and a true and correct copy of Defendants' Original Answer has been delivered to all interested parties on the 13th day of December, 2024, to:

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VIA E-SERVE

BRENDA OWOEYE